

**Court No. - 87**

**Case :- APPLICATION U/S 482 No. - 18891 of 2022**

**Applicant :- Mohit And Another**

**Opposite Party :- State Of U.P. And 2 Others**

**Counsel for Applicant :- Vivek Sharma**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Neeraj Tiwari,J.**

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 07.04.2022 as well as entire proceedings of CNR No. UPJB01005286 of 2017, arising out of Case Crime No. 350 of 2017, under Sections- 342, 354(B), 376, 511 I.P.C. & 7/8 of POCSO Act, Police Station- Adampur, District- Jyotiba Phule Nagar(Amroha), pending in the court of learned Additional District and Session Judge/Special Court, POCSO Act, .

3. The case was heard on 22.07.2022 and the Court has passed the following order:-

*"Heard learned counsel for the applicants and learned A.G.A. for the State as well as learned counsel for the opposite party no. 2, 3 and 4 .*

*The present 482 Cr.P.C. application has been filed to quash the entire proceeding of CNR No.UPJB01005286 of 2017 arising out of Case Crime No.350 of 2017, under Sections 342, 354 (B), 376, 511 IPC and Section 7/8 the Protection of Children From Sexual Offences (POCSO) Act, police station Adampur, district Jyotiba Phule Nagar (Amroha) as well as summoning order dated 7.4.2022 passed by Additional District and Session Judge/ Special Court, POCSO Act.*

*It has been submitted that in the said case final report has been filed and thereafter applicant has been summoned on 7.4.2022 after rejecting the final report. It is also submitted that one case crime no.159 of 2017 has been filed against the informant and others. Both the cases have been compromised by the parties. In this case compromise has also been filed, copy of compromise deed as well as affidavit has been annexed as Annexure-7 to the affidavit.*

*Accordingly, it is directed that the parties shall appear before the court below along with a certified copy of this order on the next date fixed and be permitted to file an application for verification of the original compromise document. It is expected that the trial court may fix a date for the verification*

*of the compromise entered into between the parties and pass an appropriate order with respect to the verification within a period of two months from today. Upon due verification, the court below shall send a report to this Court along with verified compromise.*

*List this case on 4.11.2022 in the additional cause list.*

*Only till then, no coercive action shall be taken against the applicants in the aforesaid case. "*

4. Pursuant to order dated 22.07.2022, compromise has been verified by the trial Court vide order dated 24.08.2022 and the same has been received to this Court from Additional District and Session Judge/Special Court, POCSO Act, Amroha on 17.10.2022.

5. Learned counsel for the applicants also submitted that this Court vide judgement and order dated 13.01.2023 passed in Application U/s 482 Cr.P.C. No. 396 of 2023, has quashed the criminal proceeding against the co-accused Sachin on the basis of compromise.

6. Learned A.G.A. could not dispute the aforesaid facts.

7. In view of the facts and circumstances of the case, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

8. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

9. The present application is, accordingly **allowed**.

10. No order as to costs.

**Order Date :- 7.12.2023**

**ADY**